



*A place where families and businesses thrive.*

**Monday, September 14, 2020**

**City Council Regular Meeting Minutes**

**7:00 p.m., Webex Community Auditorium**

***Minutes are unofficial until approved by Council.  
Council approved minutes as presented September 28, 2020.***

**1. CALLED TO ORDER AND ROLL CALL:**

Mayor Peter Truax called the regular City Council meeting to order at 7:13 p.m. via Webex Video Conference.

**COVID-19:** Due to the emergency declaration resulting from COVID-19 (Coronavirus disease) and protocols, the City Council limited in-person contact and social distancing. **The City Council conducted the Council meeting remotely by video conferencing.** The meeting was remotely video conferenced by City Recorder Ruggles and televised live from the projector screen at the Community Auditorium by Tualatin Valley Community Television (TVCTV) Government Access Programming LIVE Channel 30 and Live Streamed on MACC TVCTV YouTube Channel 30. The public was allowed to attend and observe in the Community Auditorium as space allowed. The Council accepted written comments on items not on the agenda submitted by September 14, 2020, 3pm, to the City Recorder.

**ROLL CALL: COUNCIL PRESENT ATTENDED BY WEBEX REMOTELY:** Kristy Kottkey; Timothy Rippe; Elena Uhing; Mariana Valenzuela; Adolph "Val" Valfre; Malynda Wenzl, Council President; and Mayor Peter Truax.

**STAFF PRESENT ATTENDED BY WEBEX REMOTELY:** Jesse VanderZanden, City Manager (Webex remotely); Ashley Driscoll, City Attorney (Webex remotely); Paul Downey, Administrative Services Director (Webex remotely); Michael Kinkade, Fire Chief (Webex remotely); Bryan Pohl, Community Development Director (Webex remotely); Dan Riordan, Senior Planner (Webex remotely); Gregory Robertson, Public Works Director (Webex remotely); Rich Blackmun, Engineering Project Manager; Colleen Winters, Library Director (Webex remotely); and Beverly Maughan, Executive Assistant to City Manager (in the Community Auditorium). **STAFF ABSENT:** Anna Ruggles, City Recorder, excused.

**2. CITIZEN COMMUNICATIONS:** None.

**3. CONSENT AGENDA:**

Items under the Consent Agenda are considered routine and are adopted with a single motion, without separate discussion. Council members who wish to remove an

item from the Consent Agenda may do so prior to the motion to approve the item(s). Any item(s) removed from the Consent Agenda will be discussed and acted upon following the approval of the remaining Consent Agenda item(s).

- A. Approve City Council Joint Work Session Parks and Recreation Commission (Forest Grove Eastside Park Needs Study) Meeting Minutes of July 13, 2020.
- B. Approve City Council Work Session (Boards/Commissions Assignments) Meeting Minutes of August 10, 2020.
- C. Approve City Council Regular Meeting Minutes of August 10 13, 2020.
- D. Accept Committee for Community Involvement Meeting Minutes of March 3, 2020.
- E. Accept Historic Landmarks Board Meeting Minutes of July 28, 2020.
- F. Accept Public Arts Commission Meeting Minutes of January 16 and February 8, 2020.
- G. Community Development Department Monthly Building Activity Report August 2020.
- H. Accept Resignations Committee for Community Involvement (CCI) (***Charlene Murdock, Term Expiring January 31, 2023; Devon Downeysmith, Term Expiring January 31, 2022, and Ashley Terry, Student Advisor, Term Expiring January 31, 2022***). ***CERTIFICATE OF APPRECIATION***
- I. Accept Resignation on Historic Landmarks Board (***William (Bill) Youngs, Term Expiring December 31, 2022***). ***CERTIFICATE OF APPRECIATION***
- J. Historic Landmarks Board's ***2020 Historic Photo Contest Winner: Ashley Roth, "Submission titled "Blank House, Old Stagecoach Stop c. 1858". CERTIFICATE OF PARTICIPATION***

**MOTION:** Councilor Valfre moved, seconded by Council President Wenzl, to approve the Consent Agenda as presented. **ROLL CALL VOTE:** AYES: Councilors Kottkey, Rippe, Uhing, Valenzuela, Valfre, Wenzl, and Mayor Truax. NOES: None. **MOTION CARRIED 7-0.**

**4. ADDITIONS/DELETIONS:**

VanderZanden added AGENDA ITEM 5. F. RESOLUTION NO. 2020-90  
DECLARATION OF STATE OF EMERGENCY SEPTEMBER 10, 2020. Refer below.

Kottkey posed the question if Council needed to add a resolution to the Agenda to refer the Social Justice Mural to the Public Arts Commission (PAC). Mayor Truax opposed adding a resolution, because there was already consensus in earlier joint work session with the PAC to proceed with a two-step process, which would refer the proposal to the PAC and the PAC making a recommendation to the Council. City Attorney Driscoll advised that she has drafted a proposed motion for Council consideration, which would be discussed and considered under Council Communications, noting the proposed motion does not require adding a resolution

(refer below to Agenda Item 11).

**5. PRESENTATIONS:**

**5. A. Emergency Shelter Coronavirus (COVID-19) Response: Summary and Lessons Learned**

Brian Schimmel introduced key speaker Kim Marshall, Executive Director, Project Homeless Connect, and several representatives who attended. Marshall presented a PowerPoint presentation overview pertaining to the Emergency Shelter COVID-19 Response, Summary and Lessons learned. Marshall reported on COVID-19's impact to the emergency shelter program, challenges of getting people off the street, shared case studies and next steps and needs, noting the COVID-19 pandemic forced all shelters to close March 16, 2020, due to lack of access to buildings, lack of volunteers, and concerns regarding the spread of COVID-19 in communities, particularly in spaces not large enough to allow for adequate distancing. Marshall pointed out from March 18 to June 1, and because of additional funding and support, the collaboration provided 4,795 bed stays to 291 individuals, noting with initial screening and diversion procedures in place, the response successfully mitigated the spread of COVID-19 in the homeless population. In addition, the group recapped additional information pertaining to veterans' assistance programs, rent eviction concerns, funding sources and their advocacy to continuing to connect clients to services and housing.

**5. B. Community Impact Grant**

Brian Schimmel and Shawn Cardwell, Project Coordinators, presented a PowerPoint presentation overview pertaining to Forest Grove Foundation "A Community Response to Poverty | Pandemic", Community Connection and Coalition on Rural Housing Insecurity (CRHI), noting the workgroup priorities align with City Council Goals on housing security, food security and youth/families, such as Goal 3:1, partnering with West WA Co. Anti-Poverty Workgroup and West WA Co. COVID-19 Emergency Taskforce, to help individuals experiencing homelessness. Schimmel and Cardwell reported on Emergency COVID-19 Response and Community Impact Grant refresh; CRHI Priorities and Revenue Timeline; Western Washington County Emergency Taskforce and Priorities: housing, food, youth/families, and referenced various-related web links. In addition, Schimmel and Cardwell reported on congregation risks and non-congregant (motel) option with partnerships to house 30 individuals and establish consistent funding and long term permanent housing available inventory in Forest Grove.

**5. C. Civil Engineering Cooperative Program (CECOP) Internship**

Blackmun introduced Josephine Crofoot, 2020 Civil Engineering Cooperative Program (CECOP) Intern, noting Crofoot is the fourth CECOP intern that the City has selected while being a member of CECOP, a program for an engineering college student to

obtain up to one year of civil engineering workplace experience while they are completing their degree. Blackmun noted due to Coronavirus (COVID-19) pandemic, Crofoot's start date was delayed over two months (June to September 2020); however, Crofoot was able to finish her internship. Crofoot presented a PowerPoint presentation outlining the Americans with Disabilities Act (ADA) Sidewalk Inventory Transition Plan; 13<sup>th</sup> Avenue Sanitary Sewer Extension and ARTS Signaling and other key projects and tours that she was able to accomplish during her internship.

**5. D. Washington County Cooperative Library Services (WCCLS) Proposed Fine-Free Policy**

Winters presented a PowerPoint Presentation overview pertaining to Washington County Cooperative Library Services' (WCCLS) fine free proposal, noting the proposal references WCCLS' racial justice statement and addresses issues regarding patron behavior, civil responsibility and fiscal impact. The WCCLS and member library directors' recommendation is that the WCCLS Executive Board agree to eliminate overdue fines for all Washington County library users. Winters recapped Forest Grove's existing overdue fine policy, noting Forest Grove stopped charging overdue fines in 1975 and then began charging overdue fines in 2009 under WCCLS' fine structure. The annual fine revenue for Forest Grove ranges from \$15,000 to \$20,000. Winters advised the Library Commission at its September 2, 2020, meeting unanimously supported the proposal, to which Valfre noted the Library Commission reviewed the proposal through an Equity, Diversity and Inclusion (DEI) Lens. In addition, Winters advised the Executive Board plans to consider the proposal at its meeting on September 23, 2020, and if approved, the proposal will be forwarded to Washington County Board of Commissioners for final approval. In response to inquiries pertaining to fiscal impact, Downey addressed budgetary impacts, noting if fines are not collected, the City will be able to absorb the loss of revenue through contingency. Winters addressed patrons who are responsible for the timely return of materials, noting patrons' accounts will continue to be blocked for overdue material, patrons will continue to be billed replacement fees and libraries will continue to use a collection agency to encourage return of library materials.

**5. E. COVID-19 (Coronavirus disease) Update**

Fire Chief Kinkade presented a PowerPoint presentation overview pertaining to COVID-19 Response Update, which was updated in the Council packet. Chief Kinkade presented updates on the Situation Report (4,122 cases in Washington County, 56 deaths; State total is 29,484 cases, 511 deaths statewide); Essential Needs for Forest Grove, Cornelius and Gaston; Community Emergency Outreach (community members may call 2-1-1 for emergency needs); and Food Bank Support and Current Planning Efforts.

**Fire Situation Report Update**

Fire Chief Kinkade gave a situation overview report of the Washington County

Wildfires and Windstorm, noting the County's fire service agencies were heavily stressed and unable to acquire adequate mutual aid support due to the heavy fire activity across the region and State. The windstorm knocked over a number of trees and power poles resulting in scattered power outages. The fires in our community resulted in Fire Chief Kinkade declaring two conflagrations and Washington County Emergency Operations Center and TVF&R Fire Operations Center being activated. The fires included:

- Chehalem Mountain/Bald Peak Fire. Approximately 150 people were evacuated. Lead Agency Tualatin Valley Fire and Rescue (TVF&R). The fire is considered contained.
- Powerline Fire, located south of Hagg Lake. Dundee Road and Cherry Grove. Approximately 1,000 people were evacuated. Lead Agency Forest Grove Fire and Rescue, Chief Wineman. The fire is considered contained.
- Fernhill Drive, escalated to a three alarm fire, Lead Agency Forest Grove Fire and Rescue, Chief Nemeyer. The fire is considered contained.

Air Quality Advisory remains in effect. Wildfires burning in the region and State combined with forecasted conditions have caused air quality to reach unhealthy levels at times and people were encouraged to remain indoors.

Mayor Truax and Council collectively commended all fire personnel, Washington County agencies and utility companies who responded and assisted during the declarations of emergency.

**5. F. RESOLUTION NO. 2020-90 CITY OF FOREST GROVE DECLARATION OF STATE OF EMERGENCY SEPTEMBER 10, 2020**

**Staff Report:**

Fire Chief Kinkade presented the above-proposed resolution for Council consideration, noting Mayor Truax declared an emergency on September 10, 2020, at 5:00 p.m. extended through September 13, 2020, at 7:00 p.m., under ORS 401 and the Forest Grove Emergency Operations Plan, Section 1.7.2, to support response activities for the above-mentioned wildfires. Kinkade reported although the declared state of emergency has expired, the Council must confirm that an emergency declaration was necessary under the circumstances. The Washington County Board of Commissioners declared a state of emergency relating to wildfires in Washington County and the Governor also declared a state of emergency relating to wildfires in the State of Oregon, and the circumstances existed in Banks, Cornelius and Gaston and an emergency declaration was sought there as well. In conclusion of the above-noted staff report, Kinkade advised staff is recommending Council consider approving the proposed resolution as outlined in Exhibit A, noting the proposed resolution will allow the City to request assistance and reimbursement from the State of Oregon during the emergency declaration.



Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2020-90.

VanderZanden read Resolution No. 2020-90 by title.

**MOTION:** Council President Wenzl moved, seconded by Councilor Rippe, to approve Resolution No. 2020-90 City of Forest Grove Declaration of State of Emergency September 10, 2020.

**Council Discussion:**

Hearing no concerns from the Council, Mayor Truax asked for a voice call vote on the above motion.

**VOICE CALL VOTE:** AYES: Councilors Kottkey, Rippe, Uhing, Valenzuela, Valfre, Wenzl, and Mayor Truax. NOES: None. MOTION CARRIED 7-0.

**6. INFORMATIONAL PUBLIC HEARING AND RESOLUTION NO. 2020-87 FORMING A SPECIAL IMPROVEMENT DISTRICT, IN ACCORDANCE WITH FOREST GROVE CITY CODE SECTION 151.080 THROUGH SECTION 151.098, FOR CONSTRUCTION OF SEWER MAIN AND INDIVIDUAL SERVICE LATERALS IN 10<sup>TH</sup> AVENUE FROM ELM STREET TO ITS EASTERLY TERMINUS**

**Staff Report:**

Robertson presented the above-proposed resolution for Council consideration, noting the purpose of the Informational Public Hearing is to consider written remonstrances and to allow persons impacted an opportunity to comment on the formation of the proposed Special Improvement District (SID) for construction of sewer main and individual service laterals in 10<sup>th</sup> Avenue from Elm Street to its easterly terminus, as outlined in Exhibit A. Robertson reported Council previously considered and accepted the City Engineer's Draft Report (Resolution 2020-69) and declared its intention on July 13, 2020 (Resolution 2020-70) to consider forming the SID. The City provided notification to property owners of record within the proposed SID informing them of this evening's Informational Public Hearing and a legal notice was published in accordance with the requirements of Code §151.082. No written statements of remonstrance or objections were received by the deadline of September 11, 2020, 5:00 p.m. In conclusion of the above-noted staff report, Robertson advised staff is recommending Council consider approving the proposed resolution as outlined in Exhibit A, noting the Council has sole discretion after the hearing to decide whether or not to form the SID as outlined in Exhibit A. The estimated project cost is \$193,500 and will be financed through a Sewer Fund loan for a period of 10 years. The interest rate will be determined at the time final costs are known and assessed by ordinance by proportionate share equally among the benefiting property owners for the total

costs of constructing said improvements.

**Informational Public Hearing Opened:**

Mayor Truax opened the Informational Public Hearing and explained hearing procedures.

**Written Testimony Received:**

No written testimony was received.

**Proponents:**

No one testified and no written comments were received.

**Opponents:**

No one testified and no written comments were received.

**Others:**

No one testified and no written comments were received.

**Public Hearing Closed:**

Mayor Truax closed the Public Hearing.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2020-87.

VanderZanden read Resolution No. 2020-87 by title.

**MOTION:** Councilor Valfre moved, seconded by Councilor Rippe, to adopt Resolution No. 2020-87 Forming a Special Improvement District, in Accordance with Forest Grove City Code Section 151.080 through Section 151.098, for Construction of Sewer Main and Individual Service Laterals in 10<sup>th</sup> Avenue from Elm Street to its Easterly Terminus.

**Council Discussion:**

Hearing no concerns from the Council, Mayor Truax asked for a roll call vote on the above motion.

**ROLL CALL VOTE:** AYES: Councilors Kottkey, Rippe, Uhing, Valenzuela, Valfre, Wenzl, and Mayor Truax. NOES: None. MOTION CARRIED 7-0.

7. **PUBLIC HEARING AND ORDER NO. 2020-03 AMENDING THE FOREST GROVE COMPREHENSIVE PLAN MAP TO RE-DESIGNATE CERTAIN CITY-OWNED PARCELS FROM PUBLIC TO TOWN CENTER TRANSITION AND ONE CITY-OWNED PARCEL FROM PUBLIC TO TOWN CENTER CORE; FILE NO. 311-20-**

**000062-PLNG**

**Staff Report:**

Riordan and Pohl presented the above-proposed order for Council consideration, noting the proposed order is amending the Comprehensive Plan Map to re-designate certain city-owned parcels in the Town Center from Public to Town Center Transition (TCT) and one city-owned parcel from Public to Town Center Core (TCC); File No. 311-20-000062-PLNG; Applicant: City of Forest Grove, initiated by Administrative Services Department. Riordan presented a PowerPoint Presentation overview outlining the bases on the analysis and findings of fact and conclusions contained in the record on the policy questions the Planning Commission considered to amend the Comprehensive Plan Map as shown in Exhibit A:

USE/ADDRESS	FROM	TO
Central Parking Lot, 1925 Pacific Avenue	PUBLIC	TCC
Community Auditorium, 1915 Main Street	PUBLIC	TCT
Community Auditorium Parking Lot	PUBLIC	TCT
Police Department & Library, 2102 Pacific Avenue	PUBLIC	TCT
Fire Department, 1919 Ash Street	PUBLIC	TCT
City Hall, 1924 Council Street	PUBLIC	TCT
Engineering Office, 1928 Council Street	PUBLIC	TCT

Riordan advised the city-owned parking lot, 1925 Pacific Avenue, located west of Main Street and south of 21<sup>st</sup> Avenue, was zoned TCC but is designated Public on the Comprehensive Plan Map, noting this parcel is proposed for a Comprehensive Plan Map amendment to make the Comprehensive Plan Map and Zoning Map consistent. In conclusion of the above-noted staff report, Riordan advised staff is recommending Council consider approving the proposed order as outlined in Exhibit A, and Planning Commission Findings and Decision No. 2020-07. Riordan noted the fundamental consideration is to determine whether city-owned buildings located in the Town Center, that are currently zoned Institutional, are consistent with the scale of other uses in the Town Center. Applying the TCT designation ensures that city buildings are held to the same standards as privately-owned buildings and land in the Town Center. The TCT zone also provides greater opportunity or reuse of the city-owned buildings in the future.

**Public Hearing Opened:**

Mayor Truax opened the Public Hearing and explained hearing procedures.

**Written Testimony Received:**

No written testimony was received.



**Proponents:**

No one testified and no written comments were received.

**Opponents:**

No one testified and no written comments were received.

**Others:**

No one testified and no written comments were received.

**Public Hearing Closed:**

Mayor Truax closed the Public Hearing.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Order No. 2020-03.

VanderZanden read Order No. 2020-03 by title.

**MOTION:** Councilor Rippe moved, seconded by Councilor Uhing, to adopt Order No. 2020-03 Amending the Forest Grove Comprehensive Plan Map to Re-Designate Certain City-Owned Parcels from Public to Town Center Transition and One City-Owned Parcel from Public to Town Center Core; File No. 311-20-000062-PLNG.

**Council Discussion:**

Hearing no concerns from the Council, Mayor Truax asked for a roll call vote on the above motion.

**ROLL CALL VOTE:** AYES: Councilors Kottkey, Rippe, Uhing, Valenzuela, Valfre, Wenzl, and Mayor Truax. NOES: None. MOTION CARRIED 7-0.

8. **PUBLIC HEARING AND ORDER NO. 2020-04 AMENDING THE FOREST GROVE ZONING MAP TO RE-DESIGNATE CERTAIN CITY-OWNED PARCELS FROM INSTITUTIONAL TO TOWN CENTER TRANSITION; FILE NO. 311-20-000062-PLNG**

**Staff Report:**

Riordan and Pohl presented the above-proposed order for Council consideration, noting the proposed order is amending the Forest Grove Zoning Map to re-designate certain city-owned parcels from Institutional (INST) to Town Center Transition (TCT); File No. 311-20-000062-PLNG; Applicant: City of Forest Grove, initiated by Administrative Services Department. Riordan presented a PowerPoint Presentation overview outlining the bases on the analysis and findings of fact and conclusions contained in the record on the policy questions the Planning Commission considered

to amendment the Zoning Map as shown in Exhibit A:

USE/ADDRESS	FROM	TO
Community Auditorium, 1915 Main Street	INST	TCT
Community Auditorium Parking Lot	INST	TCT
Police Department & Library, 2102 Pacific Avenue	INST	TCT
Fire Department, 1919 Ash Street	INST	TCT
City Hall, 1924 Council Street	INST	TCT
Engineering Office, 1928 Council Street	INST	TCT

In conclusion of the above-noted staff report, Riordan advised staff is recommending Council consider approving the proposed order as outlined in Exhibit A and Planning Commission Findings and Decision No. 2020-07. Riordan noted the fundamental consideration is to determine whether city-owned buildings located in the Town Center, that are currently zoned Institutional, are consistent with the scale of other uses in the Town Center. Applying the TCT designation ensures that city buildings are held to the same standards as privately-owned buildings in the downtown. The TCT zone also provides greater opportunity or reuse of the city-owned buildings in the future.

**Public Hearing Opened:**

Mayor Truax opened the Public Hearing and explained hearing procedures.

**Written Testimony Received:**

No written testimony was received.

**Proponents:**

No one testified and no written comments were received.

**Opponents:**

No one testified and no written comments were received.

**Others:**

No one testified and no written comments were received.

**Public Hearing Closed:**

Mayor Truax closed the Public Hearing.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Order No. 2020-04.

VanderZanden read Order No. 2020-04 by title.

**MOTION:** Councilor Rippe moved, seconded by Councilor Uhing, to adopt Order No. 2020-04 Amending the Forest Grove Zoning Map to Re-Designate Certain City-Owned Parcels from Institutional to Town Center Transition; File No. 311-20-000062-PLNG.

**Council Discussion:**

Hearing no concerns from the Council, Mayor Truax asked for a roll call vote on the above motion.

**ROLL CALL VOTE:** AYES: Councilors Kottkey, Rippe, Uhing, Valenzuela, Valfre, Wenzl, and Mayor Truax. NOES: None. MOTION CARRIED 7-0.

9. **RESOLUTION NO. 2020-88 DIRECTING THE CITY MANAGER TO EXECUTE AN INTERGOVERNMENTAL AGREEMENT (IGA) WITH THE OREGON DEPARTMENT OF TRANSPORTATION (ODOT) TO AUTHORIZE CITY FUNDING FOR THE TUALATIN VALLEY HIGHWAY IMPROVEMENT PLAN**

**Staff Report:**

Riordan and Pohl presented the above-proposed resolution for Council consideration, noting the proposed resolution is directing the City Manager to execute an Intergovernmental Agreement (IGA) with the Oregon Department of Transportation (ODOT) to authorize City funding for the Tualatin Valley Highway Improvement Plan. Riordan reported the City and ODOT identified additional tasks necessary to complete the project. The purpose of the additional work is to ensure proposed safety improvements can be approved by ODOT and built in advance of the funding measure being proposed by Metro for regional transportation projects. This work cannot be completed without additional analysis. The additional analysis includes collecting updated traffic counts, design analysis for two potential crosswalks between Quince Street and Mountain View Lane, and additional community outreach adapting to pandemic restrictions on in-person gatherings. In conclusion of the above-noted staff report, Riordan and Pohl advised staff is recommending Council consider approving the proposed resolution as outlined in Exhibit A, noting the City's share is not exceed \$60,000 in the adopted Fiscal Year 2020-21 budget for the Planning Division.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2020-88.

VanderZanden read Resolution No. 2020-88 by title.

**MOTION:** Councilor Uhing moved, seconded by Councilor Rippe, to approve Resolution No. 2020-88 Directing the City Manager to Execute an

**Intergovernmental Agreement (IGA) with the Oregon Department of Transportation (ODOT) to Authorize City Funding for the Tualatin Valley Highway Improvement Plan.**

**Council Discussion:**

Riordan addressed various Council concerns pertaining to Metro's Proposed Measure 26-218, noting the additional work is being built in advance of the funding measure being proposed by Metro, and traffic and pedestrian counts estimated timelines have been adjusted due to COVID-19 pandemic.

Hearing no further concerns from the Council, Mayor Truax asked for a roll call vote on the above motion.

**ROLL CALL VOTE: AYES: Councilors Kottkey, Rippe, Uhing, Valenzuela, Valfre, Wenzl, and Mayor Truax. NOES: None. MOTION CARRIED 7-0.**

10. **RESOLUTION NO. 2020-89 AMENDING THE CITY OF FOREST GROVE'S DECLARATION OF STATE OF EMERGENCY, EFFECTIVE MARCH 14, 2020, AT 1:00 P.M., TO BE EXTENDED AND REMAIN IN EFFECT UNTIL 8:00 P.M. ON SEPTEMBER 28, 2020, UNLESS SUPERSEDED SOONER; AMENDING RESOLUTION NO. 2020-86**

**Staff Report:**

Mayor Truax presented the above-proposed resolution for Council consideration, noting the resolution is extending the duration of the City's emergency declaration that went into effect March 14, 2020, through April 13, 2020; extended through April 30, 2020 (first time); extended to May 11, 2020 (second time); extended to May 31, 2020 (third time); extended to June 8, 2020 (fourth time); extended to June 22, 2020 (fifth time); extended to July 13, 2020 (sixth time); extended to August 10, 2020 (seventh time); extended to September 14, 2020 (eighth time); and now extending to remain in effect until 8:00 p.m. September 28, 2020 (nine time), unless superseded sooner. Mayor Truax advised he will remain in compliance with the Governor's State of Emergency and extend the City's declaration if needed due to COVID-19 public health emergency.

Before proceeding with Council discussion, Mayor Truax asked for a motion to adopt Resolution No. 2020-89.

VanderZanden read Resolution No. 2020-89 by title.

**MOTION: Council Valfre moved, seconded by Council President Wenzl, to approve Resolution No. 2020-89 Amending the City of Forest Grove's Declaration of State of Emergency, Effective March 14, 2020, at 1:00 P.M., to be**

extended and remain in effect until 8:00 P.M. on September 28, 2020, unless superseded sooner; Amending Resolution No. 2020-86.

**Council Discussion:**

Hearing no concerns from the Council, Mayor Truax asked for a roll call vote on the above motion.

**ROLL CALL VOTE:** AYES: Councilors Kottkey, Rippe, Uhing, Valenzuela, Valfre, Wenzl, and Mayor Truax. NOES: None. MOTION CARRIED 7-0.

**11. A. City Council and Public Arts Commission (PAC) Join Work Session Regarding Proposed Mural and Art in Public Spaces (09/14/2020)**

Mayor Truax opened the floor and roundtable discussion ensued pertaining to the earlier joint work session with the Public Arts Commission regarding the proposal for the racial justice mural, which resulted in the following motion being made.

**MOTION:** Council Kottkey moved, seconded by Councilor Rippe, to Refer the proposal for the racial justice mural to the Public Arts Commission to request it consider if the mural aligns with established city goals and objectives and make a recommendation to the Council regarding the proposal. The PAC should work with the requestors to develop their proposal to include, but not limited to, a rendering of the mural, a process for final approval for the Council, how long and where the mural shall remain on City property and clarify that the project sponsors are painting the mural at the City's request and the City will own the mural going forward and then make a recommendation to the City Council. The PAC shall also develop policies and procedures for art in public spaces including written criteria, procedures for submission (i.e., alignment with established city goals and objectives), opportunities for the PAC to give input and require modifications, state duration and ownership terms, explain funding opportunities, and a process for final approval.

**Council Discussion:**

In response to Uhing's concern pertaining to drafting the proposed resolution, City Attorney Driscoll advised once the PAC submits its recommendation to Council on the proposal, a proposed resolution affirming the PAC's recommendation would be placed on the Council meeting agenda. Driscoll added the hope is that the proposal will be ready in time for the next Council meeting agenda or as soon as possible thereafter.

In response to Valfre's concerns pertaining to the proposed resolution containing the PAC's input and allowing for language modifications, City Attorney Driscoll advised the resolution will contain the PAC's recommendation, noting the Council approves the final proposal, i.e., can make modifications if necessary.

In response to Valenzuela's concern pertaining to modifications of the peoples' voices of what the art should look like, Mayor Truax clarified the modifications would pertain to the process. City Attorney Driscoll advised the City reserves the right of ensuring the message or image it wants to portray and control and meets the standard for government speech. Driscoll gave an example of government regulating its own speech, noting the Council is being asked to consider the PAC's recommendation and approve the final product.

Hearing no further concerns from the Council, Mayor Truax asked for a roll call vote on the above motion.

**ROLL CALL VOTE: AYES: Councilors Kottkey, Rippe, Uhing, Valfre, Wenzl, and Mayor Truax. NOES: None. MOTION CARRIED 6-0. Councilor Valenzuela abstained.**

**11. COUNCIL COMMUNICATIONS:**

Kottkey did not report due to the time.

Rippe concurred with Council President's Wenzl's concerns about limiting presentations. Rippe reported the Sister Cities Committee, a working committee under the Chamber of Commerce, approved a new set of bylaws, which will be presented to the Chamber Board of Directors for approval, and as part of the approved bylaws, will be forthcoming to the Council as a Memorandum of Understanding. Rippe reported attending Washington County Public Safety Coordinating Council meeting, noting he voted yes on a letter of support for the Justice Center relocating to the Washington County Consolidated Communication Center.

Uhing referenced the Council Mini-Retreat Report dated September 11, 2020, voicing concerns pertaining to "serial communications", noting she has concerns with the book club comments and groups of three sharing ideas and thoughts and decisions potentially engaging in a quorum, and how she is receiving information and communications that contain "Do Not Reply All", and discussions that may require a vote, i.e., Diversity, Equity, and Inclusion (DEI) based on shared ideas from reading the book, and matters needing to be aired publicly and during the course of a noticed public meeting, to which City Attorney Driscoll advised the key is a "quorum" (4 councilor members) and deliberating, noting a small group of two or three can meet and discuss city business; however, if a fourth Councilor is included in the conversation with the other three Councilors (a series of non-contemporaneous communications between members of the governing body, in the aggregate, include a quorum) that would constitute a violation of the public meetings law.

Kottkey explained the e-mail she sent regarding the Book Club Idea was asking if



anyone would like to read the book and/or books, noting she would like to discuss this topic further with Council at another meeting and share ideas within the public meetings law and if this topic moves she will continue to seek legal guidance. In response to Uhing's further concerns and suggestions of forming an ad-hoc so a group can meet and discuss the books, City Attorney Driscoll shared areas of concerns pertaining to serial communications/meetings, noting from a legal prospective, she is not concerned but noted Uhing's input of forming an ad-hoc and/or having a disclaimer statement.

Valenzuela did not report due to the time.

Valfre did not report due to the time.

Council President Wenzl asked VanderZanden to consider limiting agenda presentations to no more than two or three, noting presentations have been taking at least one-half hour each, to which VanderZanden explained some of the presentations this evening were time sensitive. VanderZanden thanked Wenzl for her input, noting he would do a better job limiting presentations. Mayor Truax added that he would do a better job with agenda time management.

**12. City Manager's Report:**

VanderZanden referenced the City Manager's Report, dated September 14, 2020, which was included in the Council; Packet.

**13. MAYOR'S REPORT:**

Mayor Truax reported on various legislative-related issues, and Washington County-related matters of interest.

**14. ADJOURNMENT:**

Mayor Truax adjourned the regular Council meeting at 10:34 p.m.

Respectfully submitted,



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Anna D. Ruggles, CMC, City Recorder